

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James D. Linder
Serial No.: 10/034,491
Filing date: December 27, 2001
Group Art Unit: 2174
Confirmation No.: 1247
Title: COMPUTER AIDED DESIGN SYSTEM HAVING
BUSINESS PROCESS ATTRIBUTES

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The following Pre-Appeal Brief Request for Review ("Request") is being filed in accordance with the provisions set forth in the Official Gazette Notice of July 12, 2005 ("OG Notice"). Pursuant to the OG Notice, this Request is being filed concurrently with a Notice of Appeal. The Applicant respectfully requests reconsideration of the rejection of all claims in the Application.

REMARKS

In the prosecution of the present Application, the PTO's rejections and assertions contain clear errors of law. Most notable of the legal errors present in the examination of the Application is a failure of the Final Office Action to establish a *prima facie* rejection of the claims in the application under 35 U.S.C §§ 102 or 103. The Final Office Action rejected Claims 1, 3, 7, 9, 12, 14, 18, 20, 24 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,625,798 to Badders et al. ("*Badders*") and Claims 2, 4, 8, 10, 13, 15, 19, and 21 under 35 U.S.C. § 103(a) as being unpatentable over *Badders* in view of U.S. Patent No. 6,295,513 to Thackston ("*Thackston*"). However, these rejections fail to meet the required *prima facie* standard for rejections for at least the reasons set forth below.

Claim 18 is allowable at least because *Badders* does not teach or suggest "a business process attribute data set linked to the digital model data set . . . such that users of the data processing system are displayed business process attribute display elements **when a display element associated with a mechanical component defined by the digital model data set is displayed to the user**" (emphasis added) as recited in Claim 18. With respect to Claim 18, the Final Office Action contends that Column 3, lines 32-37 of *Badders* discloses these limitations. The Final Office Action, however, is incorrect. As discussed in Applicant's response mailed April 20, 2006 at pages 8-9,¹ the cited portions of *Badders* merely disclose extracting attribute data in a separate datasheet report format **after the drawing is completed**. See *Badders*, column 4, lines 65-67. Stated briefly, *Badders* teaches a one-way extraction of attribute data from a **CAD drawing** (See FIGURE 1), but does NOT disclose displaying the attributes when a display element associated with a mechanical component is displayed to the user. For at least this reason, Claim 18 is and its dependents are allowable. In addition, Claims 1, 3, and 12 are each allowable for analogous reasons, as are all the claims depending therefrom.

Claim 12 is allowable also at least because *Badders* does not teach or suggest "**automatically inferentially applying business process attributes** to features within the digital model data set" (emphasis added) as recited in Claim 12. The Final Office Action relies on Column 6, lines 41-49 in rejecting this claim. The Final Office Action, however, is again incorrect. As also discussed in Applicant's response mailed April 20, 2006 at page 9,

¹ It is noted in the OG Notice at <http://www.uspto.gov/web/offices/com/sol/og/2005/week28/patbref.htm> that "Applicants are encouraged to refer to arguments already of record rather than repeating them in the request." Accordingly, Applicant refers here to, and summarizes, the previous arguments rather than reciting them explicitly.

this portion merely shows a database file capable of storing relationships between equipment and attributes. No mention is made of automatically inferentially applying attributes. For at least this reason, Claim 12 is allowable as are all the claims depending therefrom.

Claim 3 is allowable also at least because *Badders* does not teach or suggest “wherein the business process attribute comprises safety information **defining a safety level parameter** associated with a component represented in the digital model data set” (emphasis added) as recited in Claim 3. Applicant’s responses to date have consistently pointed out some examples of safety level parameters, such as “critical,” “major,” and “minor.” The Final Office Action relies on the mere mention of OSHA data at Column 2 line 45 of *Badders* to disclose this limitation. However, this portion of *Badders* does not show a business process attribute that comprises safety information defining a **safety level parameter**. Clearly OSHA data are not **safety level parameters**, even if it is contended that this information relates to safety. For at least this reason, Claim 3 is allowable as are all the claims depending therefrom.

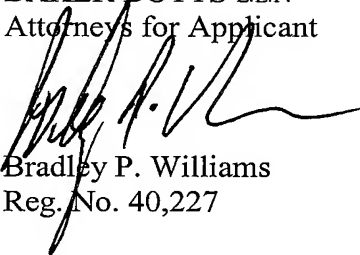
CONCLUSION

As a *prima facie* rejection has not been established against Applicant's claims, Applicant respectfully requests a finding of allowance of all claims in the Application.

To the extent necessary, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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